

OGDEN NEWS

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Ogden, Sunday, March 7.

NO BURGO, SAYS CITY ATTORNEY

Ogden's Law Adviser Replies to Charge Made by Judge A. W. Agee.

CONCERNS WATER DEAL

CITY'S RIGHTS IN OPTION MATTER WELL PROTECTED.

Replying to the charge of Judge A. W. Agee, which is in effect that the city administration was bunked out of \$5,000 on the item of the Taylor's canyon water in the purchase of the Ogden Waterworks company system, City Attorney J. H. De Vine, speaking for the city administration, made the following statement to a representative of The Herald yesterday:

"A. W. Agee and C. C. Richards were employed by the Ogden Waterworks company as attorneys in a suit which is still pending in the United States federal court in Salt Lake City against the Union Pacific Railroad company, involving the title to certain waters arising partially on the lands mentioned in the suit. Judge Agee, as an attorney in the case, of course was entirely familiar, and is yet with the exact condition or status of the title to the land mentioned, and if not, he could have informed himself, as the public may, by going to the records concerning the purchase of the waterworks system by Ogden city, which are on file as a public record in the office of the city recorder. The Ogden Waterworks company never owned, as Mr. Agee knows, more than an equity in the north half of section 25, township 6 north, range 1 west, and it was the desire of Mr. Agee and his co-counsel in carrying on the litigation with the waterworks company, and to that end he and his associates in that litigation took the option in the name of the Ogden Waterworks company from John D. Gill and Elizabeth B. Gill to the lands mentioned by Mr. Agee and, simultaneously with taking the warranty deed, they had the Ogden Waterworks company execute a deed back to the Gills and place the same in record in the Ogden State bank, the conditions of the escrow agreement being that if the waterworks company so desired it might convey the balance of the purchase price mentioned in the original deed from the Gills to the water company and take up and destroy the deed held by the Ogden State bank in escrow."

"At the time that the city of Ogden negotiated with the water company for the purchase of this system an agreement was prepared reciting what land the waterworks company agreed to convey to Ogden together with other property belonging to said company, and in said agreement there was a recitation of the fact that the city of Ogden had a right, interest and title they had in and to the north half of section 25, township 6 north, range 1 west, and the evidence of the fact that the waterworks company had nothing but an option in this land there was attached to the agreement entered into between the city of Ogden and the water company. The Ogden Waterworks company, so that the conditions prior to the exercising of the option by Ogden city in taking up the escrow agreement on Feb. 26, 1907, Ogden city, so far as the right to the lands was concerned, in the same condition that the Ogden Waterworks company was in, it being predecessors in interest to Ogden city."

BACK TO FRANCE.

Inspector Will Deport Man Thought to Be Demented.

Luigi Del Carlo will go back to France. He is an Italian who was taken into custody in this city last week, and being demented. Then it was charged that he had come to this country in violation of the immigration laws. The case has been under investigation by the federal officials, with the result that Inspector Del Carlo was taken into custody yesterday, and the man was taken to the city of Ogden, where he will be deported. He will leave Ogden in charge of an official.

GETS TERM IN PRISON.

W. F. Fielding Must Serve Time in State of Washington.

W. F. Fielding, who figured so prominently in the courts here the greater part of last year, is to serve a term in the penitentiary of Washington. He pleaded guilty in Seattle to the charge of forgery and was given an indeterminate sentence of one to fourteen years. Sheriff Barlow B. Wilson received a letter yesterday from John C. Limer of Seattle conveying this information. Fielding is a native of Ogden and is no doubt behind the bars by this time.

Piles Quickly Cured at Home

Instant Relief, Permanent Cure—Trial Package Mailed Free to All in Plain Wrapper.

Piles is a fearful disease, but easy to cure if you go at it right. An operation with the knife is dangerous, cruel, humiliating and unnecessary. There is just one other sure way to be cured—painless, safe and I use the key of your own home—it is Fyrmid Pile Cure. We mail a trial package free to all who write.

It will give you instant relief, show you the harmless nature of the disease, and great remedy and start you well on the way toward a perfect cure. Then you can get a full-sized box from any druggist for 50 cents, and often one box cures.

Insist on having what you call for. If the druggist tries to sell you something just as good, it is because he makes more money. The cure begins at once and continues rapidly until it is complete and permanent.

You can go right ahead with your work and be easy and comfortable all the time. It is well worth the trouble.

Just send your name and address to Fyrmid Drug Co., 92 Pyramid Building, Marshall, Mich., and receive free by return mail the trial package in a plain wrapper.

Thousands have been cured in this easy, painless and inexpensive way, in the privacy of the home. No knife, no anesthetic, no doctor and his bills. All druggists, 50 cents. Write today for a free package.

PIONEER PRINTER IS DEAD

J. A. Thompson, First News Foreman in Utah, Died in Ogden Friday Night.

James A. Thompson, one of the pioneer printers of Utah, the first newspaper foreman in the state, died at his home in Ogden at a late hour Friday night and will be buried from the Fifth ward meeting house in Ogden at 2:30 Sunday afternoon. The interment will be in the Ogden City cemetery.

Mr. Thompson was born in Glasgow, Scotland, Aug. 15, 1822, so that he was in his 87th year at the time he died. His wife, but no children, survives him. He did editorial work on the Deseret News in the '50s in addition to his work in the mechanical department. Leaving Salt Lake City he made his home in Ogden, Weber county, and lived there until fourteen years ago, when he moved into Ogden.

At the time of his death Mr. Thompson was a member of the high priests' quorum of Weber stake. He was always active in church work and was held in high esteem by all who knew him.

JOYFUL OVER DEATH OF WATER COMMISSION BILL

There was a meeting of the chamber of commerce last night to hear the report of the committee that went to Salt Lake City to work against the passage of the water commission bill. The report that the bill was defeated was met with much satisfaction. This committee was composed of Hyrum Belnap, W. M. Bostaph and L. Russell. The committee was continued and was requested to return to Salt Lake City Monday and work for the passage of the Des Moines bill providing that it will be made acceptable to the city.

The Des Moines bill was gone over section by section and numerous amendments were suggested. If these amendments are accepted by the committee in charge of the bill in the legislature it is thought it will receive the support of the solid Weber county delegation.

Ogden Briefs. Born—To Mr. and Mrs. Arthur Wright yesterday, a fine baby daughter.

License to marry was issued yesterday by Clerk Dye to Lorenzo Warren and Caroline Smith, both of Ogden.

Frank Wells was sent from the sheriff's office to the Ogden general hospital yesterday suffering from a severe illness. He was given all the best medical attention and is now recovering.

George Williams, colored, under arrest on the charge of burglary, was arraigned in the district court yesterday and pleaded not guilty. The date for his hearing was set for next week.

Judge A. W. Patton has refused to appoint Tim Covert receiver for the property of the Ogden Waterworks company. Elder court, taking the position that the applicant could not act impartially.

In the condemnation case for right of way of the Rio Grande Railway company against Orson Badger, Esther M. Farr, Valasco Farr and Thomas Farr, the defendants were given all the right of the district court in which to plead.

There is no let-up in the flood of home-seekers passing through Ogden from the north. The new arrivals are coming in from Washington, especially. All roads running into and out of Ogden are doing a good business.

There was a meeting of school principals in this city yesterday, a large majority of the schools of the county being represented. The meeting was held at the Ogden Hotel.

Monday evening Professor Clark's subject will be "The Servant in the House." Tuesday evening, "Less Miserables." Wednesday evening, "Brand's Sermons."

Louie Murdock, the runaway girl, is again in the county jail awaiting the action of the court. She was caught by Officer H. C. Jacobs and the horse and buggy she had appropriated were turned back to the owner.

This girl has figured in a similar undertaking it is felt by the officers that the state industrial school must be her portion.

Ogden Society. The ladies of the South Side Card club were hostesses and their husbands invited guests at a high five party at the home of Mrs. Will Taylor Saturday evening.

A number of her school friends surprised Miss Vivian Peterson at her home on Twenty-seventh street Friday evening and a pleasant social evening was the result.

Thursday afternoon Miss Myrtle Pinger entertained a number of her girl friends at her home on Twenty-eighth street in celebration of her thirtieth birthday.

Mr. and Mrs. E. F. Bratz have returned from an eastern trip. Miss Marion Blake entertained the members of her card club on Wednesday evening.

Mr. and Mrs. Martin Cullen have returned from a three months' trip to southern California.

Mr. and Mrs. F. Murphy of Pocatello visited friends in Ogden this week on their way to San Francisco.

Mr. and Mrs. Leslie H. Carey and children of Hall City, Kan., were the guests of Quincy R. Clark of the forestry service during the week.

Mrs. S. N. Cole, 2522 Orchard avenue, Thursday afternoon at 2:30 o'clock.

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SOUTHERN PACIFIC FINANCIAL PLAN

Stockholders to Vote April 7 on \$100,000,000 Increase in the Common Stock.

Considerable comment has been occasioned regarding the announcement made some time ago of the proposition to increase the common stock of the Southern Pacific railroad by \$100,000,000, of which as much as shall be necessary shall be put aside to provide for an issue of 4 per cent twenty-year bonds, convertible into stock at the option of the holder, into common stock at the rate of 130 per share.

The stockholders are to vote on the question of authorizing this action on April 7. The holders of both common and preferred stock are to be given the privilege of subscribing on or before April 29 for \$2,000,000 of these convertible bonds. The offering of both common and preferred stock is to be given the privilege of subscribing on or before April 29 for \$2,000,000 of these convertible bonds.

It is stated that after deducting the amount of bonds allotted to the Oregon Short Line, there are \$44,500,000 bonds left to offer to other stockholders, the amount having been underwritten by Kuhn, Loeb & Co. of New York.

Advances to proprietary companies for construction of additions and other expenditures for such purposes up to the first of June last year amounted to \$103,322,545. These expenditures, as shown by the annual report of the Southern Pacific, were divided up as follows:

Construction of new lines not yet financed by the companies directly owning them, \$44,510,194; purchases of new lines not yet financed and other properties, \$11,369,291; advances for account of electric lines, \$5,526,914; rolling stock, \$18,424,447; steamships and other floating equipment, \$7,500,000; real estate, \$1,000,000; and other, \$1,000,000.

The company requires for the discharge of outstanding loans an amount of \$53,838,945; for improvements which have already been authorized, consisting for the most part of reduction in grades, improvement in alignment and widening of main tracks and sidings, \$37,565,320; for new equipment contracted for, \$7,467,658; and for construction of new lines already authorized and under way, \$1,000,000.

To provide funds to meet these present requirements and for future betterments and additions to the system, the directors have stated that they deem an issue of bonds to the amount of about \$22,000,000 advisable at this time.

BAMBERGER BONDS FIND A READY MARKET

Simon Bamberger, president of the Salt Lake & Ogden railroad, has been advised that the Harris Trust & Savings Bank, of New York, is interested in floating the bonds of his road to raise the money for the electrification of the road, are meeting with success in disposing of them. The bank is offering \$500,000 worth of first mortgage 5 per cent bonds, dated February 1, 1909, and due February 1, 1914, optional at 105 and interest after February 1, 1914. They are of the denomination of \$500. These bonds are a part of an authorized issue of \$2,000,000, of which \$650,000 are issued to electricify and equip the road. The Harris Trust & Savings bank has issued the following statement:

"There is a large equity in the company's property over and above its bonded debt, and the proceeds of these bonds are expended in the property covered by the mortgage will represent an investment very conservatively estimated at \$1,500,000, with a bonded debt of only \$650,000. The rate of interest on these bonds will be issued except under conservative restrictions of the trust deed. Net earnings for the six months which ended November 30, 1908, of \$1,000,000, show that the road will be able to pay more than twice the annual interest charges."

NEWS OF RAILROADS IN CONDENSED FORM

The Salt Lake City office of the Atchison, Topeka & Santa Fe railroad has been advised that the general passenger department of that system has decided to very extensively advertise the Grand Army encampment to be held in this city in August. Within a short time the city will be flooded with printed booklets or pamphlets, containing a fund of detailed information regarding the Grand Army, the plans for the coming encampment, and the various features of the city with many illustrations, and full information concerning the attractions offered here and the numerous side trips that may be enjoyed during the time of the encampment.

Ben F. Nevins, general agent in this city for the Denver & Rio Grande railroad, left for Heber yesterday, to be away several days.

F. T. Vincent, representative in Salt Lake City and this territory for the Erie Dispatch, returned yesterday from a successful business-getting trip to Butte and other Montana points.

Gordon M. Fraser, traveling freight and passenger agent for the Illinois Central railroad, has returned from a trip to eastern Idaho and Montana.

A. C. Ridgway, general manager for the Denver & Rio Grande railroad, who has spent most of the week in this city and in traveling over a section of the Utah division of the road with J. C. Dailey, the new superintendent of that division, started on his homeward journey to Denver yesterday. While no definite information was given out yesterday, it was stated that Mr. Ridgway's visit will result in some very substantial improvements in the operating service on the Utah division. Previous to the visit of Mr. Ridgway, a complete list of improvements needed, with estimates of cost, were made up and tendered to the general office, and Mr. Ridgway has been checking up on these. An announcement of the action will be taken will probably be forthcoming within a short time after Mr. Ridgway arrives in Denver.

T. J. Wyche, engineer in charge of the Knotty Nerves Untangle

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construction of the Western Pacific, has gone out on a trip over the road.

A. W. North, connected with the legal department of the general offices of the Oregon Short Line railroad, who has been in New York to attend the funeral of a close relative, has returned home.

W. B. Throckmorton, traveling passenger and freight agent for the Colorado Midland out of the Salt Lake City office, has returned from a rather extended trip to points in southern Idaho.

Fred H. Knickerbocker, private secretary to General Manager H. D. Hancock of the Oregon Short Line, left yesterday for a short business trip to Los Angeles.

H. S. Marble, traveling representative for the Chesapeake & Ohio railroad, arrived in this city yesterday from a trip through the southwest in the interests of his road. He will remain here until Tuesday and will then start for Seattle, visiting intermediate points.

R. S. Graybill, formerly a traveling passenger agent for the Hocking Valley road and a traveling salesman for a Chicago crockery firm, called on a number of local railway representatives whom he knew in the old days. He arrived in the city yesterday and left last night for California.

H. W. Huntley, contracting freight solicitor for the Tennessee Central, is drumming up business in this territory. He arrived in Salt Lake yesterday afternoon, this being his first visit here in eleven years.

KENNETH KERR JOLLIES ELKS' LODGE AT EUREKA

Kenneth C. Kerr, district passenger agent for the Salt Lake Route, returned yesterday from a trip to the Tintic district, where on Thursday evening at Eureka he attended the ball and banquet given by Tintic lodge No. 711, B. P. O. E. He went there for the purpose of addressing the Elks regarding the plans for the grand lodge meeting in California, which is being held at the grand lodge meeting.

"The Elks of the Tintic district," said Mr. Kerr, "are very active and progressive. Their banquet was a most enjoyable affair, and was carried off in excellent taste and style. They are now planning to build an elegant club house and lodge building on an expensive site recently purchased in Eureka. The members are very wide awake, and the lodge is growing very fast in membership."

Peru-na is a Catarrhal Tonic Especially Adapted to the Declining Powers of Old Age.

Colonists are still swarming westward.

Yesterday was another big day for the arrival of colonists in this city, both over the Short Line via the Union Pacific, and over the Denver & Rio Grande by way of the Denver gateway.

Scores of travelers changed cars at Ogden, and a large number traveled to this city to remain over Sunday, but it was stated that the large majority of colonists traveling over the Harriman road are bound for the northwest. The Denver & Rio Grande passengers taking advantage of the present low rates are bound for this section, or the south.

Yesterday train No. 3 arrived in four heavily-loaded sections, and No. 3 came in two sections. It was yesterday estimated that so far since the first of the month, when the home-seekers' rates went into effect, that over the Denver & Rio Grande and Harriman roads fully 2,500 persons traveling west have been entertained in this city.

OWENS TO SUCCEED PLAISTED IN IDAHO

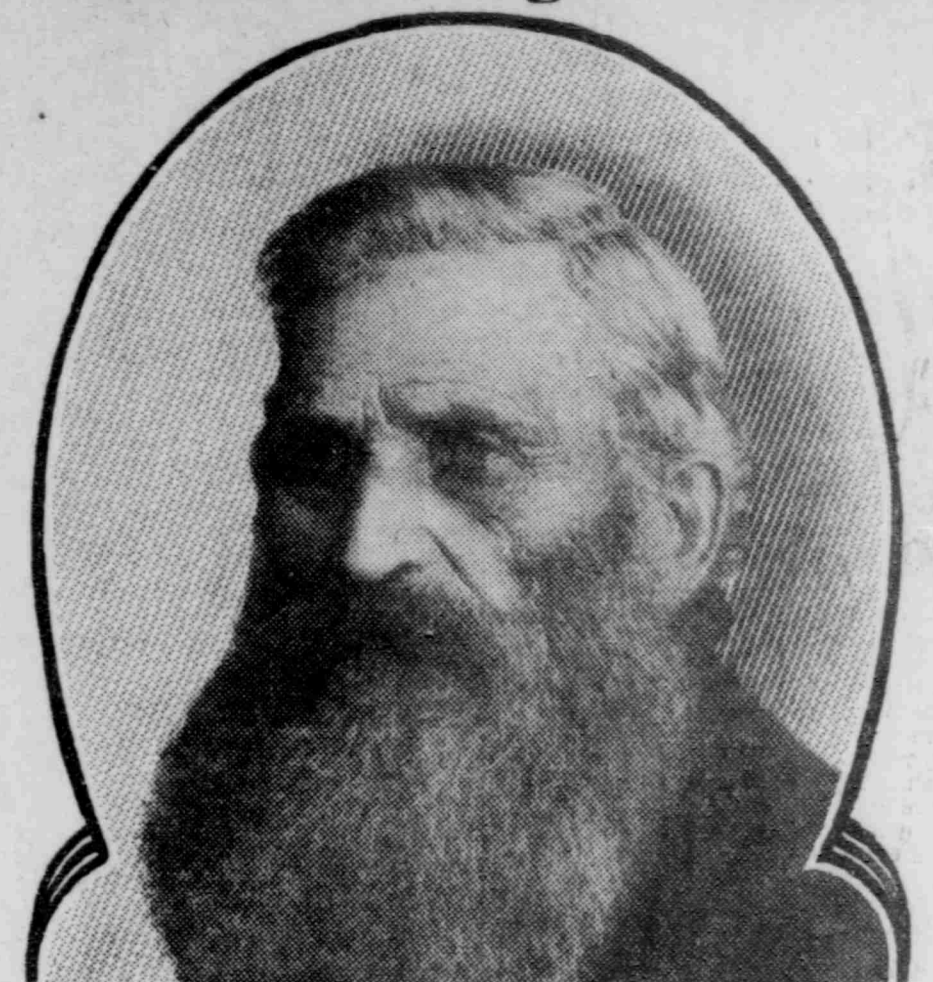
It was announced yesterday that S. G. Owens, well known in railroad circles in this city and in Butte, had been appointed to fill the vacancy caused by the recent resignation of J. P. Plaisted as traveling freight and passenger agent of the Chicago, Milwaukee & St. Paul railway in Idaho, and under the jurisdiction of the Salt Lake City office of that road. Mr. Plaisted resigned the position shortly after the first of the year, after a long and successful service, to become a wool buyer in Idaho and adjoining territory for Brown & Adams of Boston. Mr. Owens and wife left this city yesterday for Boise, where they will reside.

Mr. Owens has for some time been traveling passenger agent for the Oregon Short Line, with headquarters in Butte. He formerly traveled out of Salt Lake City for the Short Line, and is very familiar with the territory over which he will now travel for the Chicago, Milwaukee & St. Paul.

Mr. Owens's father is proprietor of the new Mitchell hotel in Boise.

Dioman Coal, sold only by Citizens' Coal company. Both phones 49.

A WISCONSIN PIONEER Says Pe-ru-na is "Worth its Weight in Gold."



John Paulin, Sr., Says: "Peruna Cured My Catarrh."

Mr. John Paulin, Sr., a pioneer of Port Washington, Wis., 119 Franklin St., is held in high esteem by the residents of that place. He is one of the oldest citizens. In a recent letter he says: "I have used Peruna with good results for coughs and colds which troubled me every fall and winter. It has also cured my catarrh, which always became worse when affected with a slight cold. I am recommending Peruna because it is worth its weight in gold."—Mr. John Paulin, Port Washington, Wis.

Peru-na is a Catarrhal Tonic Especially Adapted to the Declining Powers of Old Age.

Has Reached Four Score Years and Weighs 156 Pounds.

Mr. Levi Kegg, Rainsburg, Pa., writes: "Your medicine has done me so much good I intend to keep it on hand all the time."

"I had all the symptoms of systematic catarrh. My eyes were red and inflamed, my throat, stomach and bowels troubled me, was nervous, had nervous headaches. I am now entirely cured by Peru-na."

"I am eighty years old, and I never weighed more than 140, but now I weigh 156 pounds."

FOR CIVIC IMPROVEMENT.

Provo Nineteenth Century Club Holds Interesting Meeting—Advocate Public Gymnasium.

Provo, March 6.—The Nineteenth Century club held a civic improvement meeting last night in the Provo Commercial club rooms. The meeting was well attended by prominent citizens. Mrs. J. W. Aird presided.

Interesting speeches on the following subjects were delivered: "The Need of a Public High School in Provo," S. P. Eggersten; "The Beautifying of Provo," Jesse Knight; "Children's Public Playgrounds," Superintendent William S. Rawlings.

Discussions followed on the last subject led by Rev. C. E. Smith. The other speakers were Dr. Frederick Cliff and Superintendent Rawlings. A public gymnasium and swimming pool was advocated. Miss Candian added to the pleasure of the meeting by piano selections.

The Provo County Medical Association will hold its regular monthly meeting Wednesday in the Commercial Club rooms. The theme of the evening will be "Optometry." Law should compel Opticians to Show Ability to Diagnose Between Ocular Disease and Ocular Defect.

David B. Huff and Florence L. Huff, of Lake Shore, are visiting in Ogden. Huff is a young man, who was left at the orphan's home and Day Nursery about six months ago.

L. W. Page, director of public roads of the department of agriculture, has written to Dr. F. W. Taylor, who is the president of the Provo-Olmstead boulevard movement, that the department will turn an engineer to take charge of the construction of the road at the expense of the government.

THE CHOOSING OF WALL PAPER

Now recognized as a matter of great importance, as the requirements of the modern home are so exacting in the one feature of interior ornamentation. The thoughtful buyer appreciates this fact and recognizes the necessity of getting the wall covering that suits the surroundings, harmonizes with the settings of the room and possesses the quality that is in keeping with the home furnishings.

The most expensive wall covering is not always the most appropriate.

Inexpensive wall paper, chosen for its color, shade and design, may give your room the required finish.

We do expert Wall Papering, Tinting & Kalsomining.

Our Wall Covering Department Solicits a call. Mornings or Afternoons.

H. DIWOODEY FURNITURE CO. Where Bundhar-Wilton and French Wilton Rugs and Carpets are Sold.